

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NEWMARK GROUP, INC., G&E
ACQUISITION COMPANY, LLC, and BGC
REAL ESTATE OF NEVADA, LLC,

Plaintiffs,

v.

AVISON YOUNG (CANADA) INC.;
AVISON YOUNG (USA) INC.; AVISON
YOUNG-NEVADA, LLC, MARK ROSE,
THE NEVADA COMMERCIAL GROUP,
JOHN PINJUV, and JOSEPH KUPIEC; DOES
1 through 5; and ROE BUSINESS ENTITIES
6 through 10,

Defendants.

Case No. 2:15-cv-00531-RFB-EJY

ORDER

Before the Court is Plaintiffs' Motion for Leave to Redact Sections of Exhibit 1 to Plaintiffs' Motion for Leave to File Reply in Support of Plaintiffs' Objection to July 28, 2021, Finding and Recommendation Regarding Motion for Leave to File Third Amended Complaint (ECF No. 493). No opposition to this Motion was filed.

As the party seeking to seal a judicial record, Plaintiffs must meet their burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that "compelling reasons" support secrecy). However, where a party seeks to seal documents attached to a non-dispositive motion, the "public policies that support the right of access to dispositive motions ... do not apply with equal force" *Kamakana*, 417 F.3d at 1179 (citation omitted). In the instant Motion, Plaintiffs seek to redact portions of a non-dispositive reply brief that will be filed and available to the public.

The Court considered Plaintiffs' Motion and the portion of their Reply brief in support of an objection filed to the Court's July 28, 2021 Recommendation. The Court finds the redactions

1 Plaintiffs seek contain confidential and proprietary information the disclosure of which may lead to
2 misuse and harm to the parties.

3 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Motion for Leave to Redact
4 Sections of Exhibit 1 to Plaintiffs' Motion for Leave to File Reply in Support of Plaintiffs' Objection
5 to July 28, 2021, Finding and Recommendation Regarding Motion for Leave to File Third Amended
6 Complaint (ECF No. 493) is GRANTED.

7 IT IS FURTHER ORDERED that Plaintiffs shall file a publicly available Reply in support
8 of its Objections that is redacted as stated on page 10 as described in their Motion to Seal.

9 DATED this 24th day of September, 2021.

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12 ELAYNA J. YOUCHAK
13 UNITED STATES MAGISTRATE JUDGE
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